IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12151 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJNAGAR DUDH UTPADAK SAHKARI MANDLI LIMITED

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12151 of 2003

MR BS PATEL for Petitioner No. 1-2

MRS RANJAN B PATEL for Petitioner No. 1-2

MS ARCHANA RAVAL, LD.AGP for Respondent No. 1-2

MR KETAN D SHAH for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 21/09/2004

ORAL JUDGEMENT

1. Rule. Ms.Archana Raval, the learned AGP waives service of rule on behalf of respondents No.1 and 2 and Mr.Tushar Mehta, the learned advocate appearing for Mr.Ketan Shah, waives service of rule on behalf of respondent No.3. With the consent of the parties, the matter is taken up for final hearing.

2. In this petition under Articles 226 and 227 of the Constitution of India the petitioners have challenged the interim order passed by the State Government dated 8.8.2003 passed in Revision Application No.194 of 2003. While issuing the notice in this Special Civil Application, this Court has stayed the further implementation and operation of the order dated 8.8.2003 and the said interim relief is in operation till date.

3. Considering the aforesaid facts and circumstances of the case, and more particularly, in view of the fact that revision application is already pending before the Secretary (Appeals), Co-operative Department, State of Gujarat, the revisional authority is directed to decide and dispose of the revision application No.194 of 2003 in accordance with law, and on merits, without in any way influenced by the order dated 8.8.2003. Until the said revision application is heard and decided, the ad-interim relief granted by this Court earlier i.e. implementation and operation of the order dated 8.8.2003 is stayed. The revisional authority is directed to decide and dispose of the said revision application without in any way influenced by the order dated 8.8.2003 that this Court has granted stay of the order and decide and dispose of the same in accordance with law, and on merits, as stated above, as this Court has not gone into the merits of the case at all. It will be open for all the parties to take all the contentions available to them according to law. Rule is made absolute to the aforesaid extent with no order as to costs.

(M.R. Shah, J.)

syed/